

HOUSE BILL 1591

By Bone

AN ACT to amend Tennessee Code Annotated, Section 29-20-107, relative to extending governmental tort liability.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-20-107, is amended by adding the following as a new subsection thereto:

Notwithstanding any provision of this chapter to the contrary, non-governmental independent contractors or other persons or entities which contract with or enter into any agreements for the provision of transportation or transit services; transportation or transit facility or infrastructure construction or maintenance; operation, maintenance, or usage of transit facilities or services or equipment; and construction, maintenance or usage of rail line or rail line right-of-ways with the regional transportation authority, as defined and created in title 64, chapter 8, shall be granted immunity under this chapter. This grant of immunity shall be provided only when such non-governmental independent contractors or other persons or entities are providing by contract or agreement the services, facilities, or functions that title 64, chapter 8 authorizes the regional transportation authority to perform. In performing or providing such services, facilities or functions the non-governmental independent contractors or other persons or entities are deemed to be the functional equivalent of the regional transportation authority. They are performing or providing these services, facilities, or functions in the stead of the regional transportation authority and by such are fulfilling a public purpose which is authorized to be performed by the regional transportation authority. The regional transportation authority shall enter into such contracts or agreements because it has been determined by the board of the regional transportation authority to be more cost effective to contract

or enter into an agreement for such services, facilities, or functions. When the regional transportation authority's independent contractor or other person or entity is deemed by the contract or agreement to be the functional equivalent of the regional transportation authority, then the regional transportation authority's contracting party or party to the agreement shall have limited tort exposure as long as the regional transportation authority's contracting party or party to the agreement was performing within the scope of work and during the normal course of work of the contract or agreement when the accident occurred. The regional transportation authority's contracting party or party to the agreement will not be afforded any limits to its tort exposure for gross negligence in the performance of the contract or agreement. For any non-rail transit accident, occurrence or act the limits of tort exposure for the regional transportation authority's contracting party or party to the agreement shall be three hundred thousand dollars (\$300,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act and three million dollars (\$3,000,000) for bodily injury or death of all persons in any one (1) accident, occurrence or act and three hundred thousand dollars (\$300,000) for injury or destruction of property in any one (1) accident, occurrence, or act. For any rail transit accident, occurrence or act the limits of tort exposure for the regional transportation authority's contracting party or party to the agreement shall be two million dollars (\$2,000,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act and fifteen million dollars (\$15,000,000) for bodily injury or death of all persons in any one (1) accident, occurrence, or act and three hundred thousand dollars (\$300,000) for injury or destruction of property in any one (1) accident, occurrence, or act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

